

Natural and Cultural Healing Places Within Publicly Managed Lands

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Abstract

Understanding the history of land ownership in Alaska and the cultural use of places of ancient traditional healing becomes a critical aspect of public land management. National and international agreements have been reviewed for the legal status and options for management. The identified attributes of the site that contribute to improved well-being may also have been desired for other activities. Producing an inventory of culturally important sites along with their written and oral histories is being achieved through the process of Multicultural Engagement for Learning and Understanding. Computer-based mapping is being used to organize the materials.

Introduction

In 2002 the eight-nation Arctic Council's working group on the Conservation of Arctic Flora and Fauna (CAFF) produced its report "The Conservation Value of Sacred Sites of Indigenous Peoples of the Arctic: A Case Study in Northern Russia" (CAFF 2002). In 2004 during a National Institutes of Health program exploring the research requests of the Maniilaq Association's Tribal Doctor Program, it was learned that the protection of and access to a place of ancient traditional healing (PATH) needed to be investigated (Hild 2006). These two reports were taken into consideration and an inquiry was made into the factors that contribute to the healing aspects of this PATH. This work was initiated in collaboration with the Tribal Doctors, the Regional Elders' Council of northwestern Alaska,

the Shishmaref Indian Reorganization Act Council, the National Park Service, the National Parks Conservation Association, and a number of other organizations. The method applied was one of "Action Research" with the use of "Appreciative Inquiry", which yielded a collaborative process identified as Multicultural Engagement for Learning and Understanding (MELU) (Hild 2007).

The PATH currently being investigated is considered of extreme cultural relevance, and its natural factors need to be protected for future generations of Inupiat through a process of recognizing traditional healing places. The health and well-being of the Inupiat is intricately bound to the concept of oneness with the land. This worldview, embedded in their recognition of the healing power of the land, cannot survive where ownership is the primary manner in which the land is viewed.

Investigations

Historically, Russia did not lay claim to Inupiaq lands or try to colonize them (Case 1995, Edwardsen 1993, Okun 1979, Price 1982). The United States wrote to Russia to ask for additional clarification on the specifics of the sale. According to Sergei Kostlivtsov's Memorandum and subsequent clarifying documents, only 117,600 square feet of Russian-American Company land was included in the transfer under the 1867 Treaty of Cession (Clay 1867, Okun 1979, Price 1982). The sale only included what the Russians considered as the extent of their colony: i.e. the stockades, buildings, and the right to trade with the indigenous populations that were considered "allies." The U.S. agreed to the language of the Treaty in that: "uncivilized tribes" (i.e. all

tribes outside of the sphere of influence of the Russians, and therefore not subjected to tribute payments or considered allies) "will be subject to such laws and regulations as the United States may, from time to time adopt in regard to aboriginal tribes of that country" (Price 1982). When the U.S. took over the territory they assumed claim to all of the lands and soon mining and reindeer claims were recognized, while indigenous claims were not addressed.

A century later requests for identification and protection of sites were made under the 1971 Alaska Native Claims Settlement Act (ANCSA) and specifically its 14(h). Some selections conflicted with the federal goal of public management for natural resources. In 1978 under Public Land Orders 5653 and 5654, the lands surrounding Serpentine Hot Springs, including the site itself, were withdrawn from



Figure 1. Serpentine Hot Springs

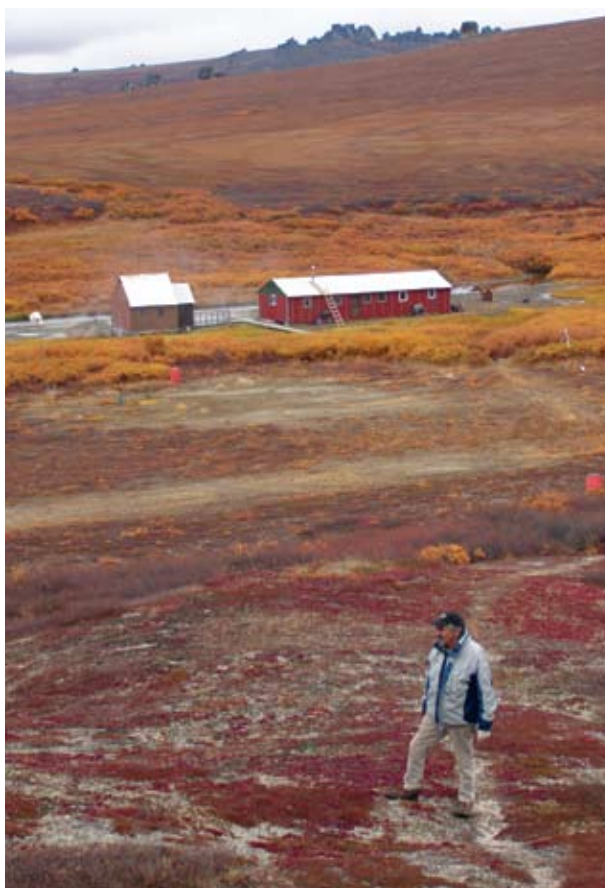
NPS photograph by Zachary Babb

possible selection under the clause of “reserving public lands to protect their resource value.” (BIA 1984).

In the process of reviewing the legal tools that may be implemented by indigenous peoples, the question of original claims to the land surfaced (Edwardsen 1993, Price 1982). Investigating international doctrines, charters, declarations, and covenants along with U.S. decisions, Executive Orders, and Acts has revealed that there has been no legal act that would remove indigenous claims to water rights throughout Alaska. Because many of the PATH of interest deal with water sources, these sites may hold additional value to indigenous peoples.

The Territory of Alaska was listed by the United Nations General Assembly Resolution 66(j) of 14 December 1946 as a “Non-Self-Governing Territory” with the “Right of Nationhood” under Article 73 of the United Nations Charter. Under the Charter, the U.S. agreed to conditions for how the Territory of Alaska would be administered, how its citizens would be treated and how the process of decolonization would take place. One of the requirements was for the original inhabitants of the territory to be brought from their preliterate state to be educated and fully informed of their status prior to a vote of the original inhabitants to determine their political status and future. The U.N. provided a process for decolonization within its legal and institutional framework, and provided money for the political discussions to take place once the original inhabitants had become literate and were deemed by a vote of the U.N. General Assembly to be literate, fully informed of their status, and acting accordingly free of political interference by the governing nation.

This special status of the Territory’s indigenous peoples is reflected in the Alaska State Constitution, Article 12, Section 12 that states: “The State and its people further disclaim all right or title in or to any property, including fishing rights, the right or title to which may be held by or for any Indian, Eskimo, or Aleut, or community thereof, as that right or title is defined in the act of admission.” Therefore, as of statehood the indigenous claims were not extinguished.



NPS photograph by Zachary Balch

Figure 2. Bath houses at Serpentine Hot Springs.

The Territory of Alaska’s original inhabitants had, and still have, the right under the U.N. Charter Chapter XI, Declaration Regarding Non-Self-Governing Territories, to vote to either remain a protectorate of the United States or to become an independent nation. This process has not been pursued.

Discussions with traditional healers led to the identification and the need to understand the natural attributes of culturally used lands, as well as what requirements there may be by public land managers about the sustained utilization of such sites (Hild 2006). ANCSA Section 14(h)1 allows for special site selections due to cultural



U.S. National Archives



U.S. National Archives

Figure 3. (Top) Copy of the check from the Treasury Department of the U.S. to Russia for the 1867 Treaty of Cession. (Bottom) Cover page of Russian version of the Treaty of Cession.

use and sensitivity. An inventory of PATH and other important sites is being developed from the 2,200 reports with the materials being placed in a standardize data form (Hild 2005).

Results

The subsequent and desired action from the investigation was the submission in January 2008 by the Shishmaref IRA Council of a National Historic Preservation Act (NHPA) Section 106 request to the NPS to enter into a Memorandum of Agreement “to foster an on-going relationship to discuss the planning and management options that will address all of our cultural sites that are now considered public lands.” In addition, an effort to conduct cultural-use computer-based mapping of the site has been initiated through the National Parks Conservation Association to document the knowledge of the members of the Shishmaref Elders’ Council.

A project was completed to digitize the BIA 14(h)1 reports so that the 2,200 site files may be word searched. What is being learned about these other ancient cultural sites will enable more appropriate management plans and access utilization schemes to be prepared for continued healing purposes.

Discussion and Conclusion

The MELU process of partnering to achieve practical knowledge that can be applied to generate solutions, is a positive approach to dealing with issues. It brings together multiple world views so that additional perspectives can be considered and utilized in the discussions and decision making processes.

Even after ANCSA and while passing Alaska National Interest Lands Conservation Act in 1980, Congress had a clear interest in protecting the rights of Alaska’s indigenous peoples. Although ANCSA extinguished hunting and fishing rights, no act of Congress has extinguished indigenous water rights. As Serpentine Hot Springs is one of the most sacred sites for the Inupiat, and as a water source, the

aboriginal rights to its use have not been extinguished.

In 1992 the U.S. Congress ratified the International Covenant of Civil and Political Rights. Within this U.N. document 171, Article 1, Section 1 states: “All people have the right of self-determination. By virtue of that Right they freely determine their political status and freely pursue their economic, social and cultural development.” As an international treaty that has been ratified this commitment has the same standing as the U.S. Constitution.

Management Implications

The crux of the discussion regarding Serpentine Hot Springs is that the tribal bodies were not allowed to claim these sites during ANCSA or under ANILCA processes, because the PATH sites were designated as being on public lands. Moving beyond the legal implications discussed above, what needs to be decided now is how to plan to manage Serpentine Hot Springs and other similar sites? What role can traditional use of the natural resources play? Can there be a determination that it is a ceremonial site important to the Inupiaq culture? What natural resources have been traditionally used for healing, for which continued access is necessary? What priorities can the NPS put on the cultural heritage of the site and allow for the interpretation and experiential applications to be considered “outdoor recreation and environmental education”?

The NPS effort to preserve and protect historic properties and cultural traditions of American Indians needs expansion. The NPS assists tribes to manage, research, interpret, protect and develop historic properties on Indian lands in national parks under various authorities. In order to meet the critical level of resource management and protection needs, ethnographic and archeological surveys, interpretive facilities, collection management, site stabilization and preservation planning programs should be expanded significantly (NPS 1990).

The Inupiat offer the NPS a unique opportunity to forge a new relationship with Alaska’s indigenous peoples that recognizes and honors that sometimes doing what is morally right allows for all of us to become



NPS photograph by Zachary Balch

Figure 4. Near Serpentine Hot Springs, 2008.

more than we were, and advances civilization forward in a just and honorable way. Such engagement may inform everyone on sustainable practices that contribute to the greater well-being of all.

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NPS photograph by Zachary Babo

Figure 5. Near Serpentine Hot Springs, 2008.



NPS photograph by Zachary Babo

Figure 6. Musk oxen near Serpentine Hot Springs, 2008.

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